IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 307 (SB) of 2002

Mohan Singh,
son of Sri Yogendra Singh,
R/o Village – Kimana,
Post Office – Okhimath,
District – Rudraprayag **……Petitioner.**

Versus

1. State of Uttarakhand through Secretary, Tourism and Development, Dehradun.
2. President, Sri Badrinath and Kedarnath Mandir Samiti, Joshimath, District Chamoli.
3. Principal Executive Officer, Sri Badrinath and Kedarnath Mandir Samiti, Joshimath, District Chamoli.
4. Bhupendra Maithani, S/o Suresanand Maithani, R/o village – Makko Via Okhimath, District – Rudraprayag.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri S.K. Posti, learned counsel for the petitioner, Sri H.M. Raturi, learned standing counsel for the State of Uttarakhand on behalf of respondent no. 1 and Sri Ravi Babulkar, holding brief of Sri Tumul Nailwal, learned counsel for the respondent no. 2 and 3. Notice was issued to respondent no. 4, however, no one is present on behalf of respondent no. 4.

Learned counsel for both the parties are agree to decide the writ petition as its admission stage itself.

Petitioner, who is an employee of Sri Badrinath and Kedarnath Mandir Samiti, has filed this writ petition challenging the order no. Office Order/2001-2002/D/119/120 dated December, 2001 passed by President, Sri Badrinath and

Kedarnath Mandir Samiti by which, he has directed the respondents to make payment of salary to respondent no. 4 in pursuance to order dated 17.08.1997 passed by Deputy Secretary, State of U.P. and not accepting the order dated 28.08.2000 by which order dated 17.08.1997 was cancelled.

I have perused the orders dated 17.08.1997 and 28.08.2000 and also impugned order dated December, 2001. By order dated 17.08.1997 passed by Deputy Secretary, State of U.P., a post of Temple Supervisor in the pay scale of Rs. 1400 - 2300 was created for respondent no. 4, who was working as LDC in the pay scale Rs. 975 – 1660. This order was passed with certain conditions. Secretary, Uttaranchal Vikas Anubhag, State of U.P. vide order dated 28.08.2000 has cancelled the order dated 17.08.1997 and reverted the petitioner to the post of LDC in the pay scale of Rs. 975 – 1660 and it was directed to recover the difference of amount of pay scales, which respondent no. 4 has already received.

In any case, neither the Committee of Management nor respondent no. 4 has challenged the order dated 17.08.1997 or 28.08.2000 before appropriate authority. Now, by the impugned order dated December, 2001 passed by President, Sri Badrinath and Kedarnath Mandir Samiti, respondent no. 4 was permitted to continue on the post of Temple Supervisor and will get pay scale as provided in the order dated 17.08.1997 and the Committee is not accepting the office memo which was passed on 28.08.2000.

In the circumstances stated above and after going through the record, I deem it fit and proper to direct the Secretary, Dharamsav Karya and Tirthatan to take decision in this matter

After affording opportunity of hearing to the petitioner and respondents i.e. Sri Badrinath and Kedarnath Mandir Samiti and respondent no. 4 Petitioner, Sri Badrinath and Kedarnath Mandir Samiti and respondent no. 4 are directed to raised their grievances before Secretary, Dharamsav Karya and Tirthatan within a period of two months and it is expected from the Secretary, Dharamsav Karya and Tirthatan that he / she shall pass speaking order on the questions raised by the parties in their representation within a period of six weeks from the date of production of certified copy of this order along with copy of representation, if moved by the parties.

With this direction, writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May, 09, 2007
SKSharma